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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/760,795
Filing Date: January 17, 2001
Appellant(s): SETO, SATOSHI

Marc Weiner (Reg. No. 32,181)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Dec. 27, 2007 appealing from the Office action mailed April 18, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Fields et al., U.S. Patent No. 6,412,008

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Fields et al. U.S. Patent No. 6,412,008 (referred to hereafter as Fields).

Fields teaches the invention explicitly as claimed including a system and method for website customization using different customization options including user customization options, agent customization options and corporate customization options (see abstract).

As to claims 1 and 5, Fields teaches an image editing method and unit respectively that is performed in an image editing system equipped with a client, which has an edit-command unit for applying a command to edit image data, and an image server, connected with said client through a network, which has an editing unit for obtaining processed image data by editing said image data in response to the edit command from said edit-command unit, said image editing method comprising:

a first means for accepting an edit-start command and, in response to said edit-start command, commanding said image server to transfer editing data, having at least one editing object, which contains said image data, at said edit-command unit, and of transferring said editing data to said client at said image server (see col. 4 lines 50-64);

a second means for querying said image server about one editing object for obtaining said processed image data in accordance with said editing data, at said edit-command unit (see col. 4 lines 65-col. 5 lines 8);

a third means for generating edit-command information which represents a command to edit said editing object, in accordance with said editing information and

also transferring said edit-command information to said image server, at said edit-command unit (see col. 6 lines 10-30);

a fourth means for repeating said second through the fifth steps, until said edit-command information is transferred for an editing object desired and said processed image data is obtained (see col. 7 lines 1-57).

As to claim 2, Fields teaches an image editing system comprising:

a client having an edit-command unit for applying a command to edit image data; an image server, connected with said client through a network, which has an editing unit for obtaining processed image data by editing said image data in response to the edit command from said edit-command unit (see col. 4 lines 50-col. 5 lines 8);

said edit-command unit having first means for accepting an edit-start command and, in response to said edit-start command, commanding said image server to transfer editing data, having at least one editing object, which contains said image data; second means for querying said image server about one editing object for obtaining said processed image data, based on said editing data transferred from said image server in accordance with said command to transfer said editing data; and third means for generating edit-command information which represents a command to edit said editing object, based on said editing information transferred from said image server in accordance with said inquiry about said editing object, and for transferring said edit-command information to said image server (see col. 5 lines 10-col. 6 lines 45);

said editing unit having first means for transferring said editing data to said client in response to said command to transfer said editing data; second means for transferring editing information, which represents an editing object corresponding to said inquiry, to said client; and third means for obtaining intermediate processed image data by applying an editing process to said editing data, based on said edit-command information, and for transferring said intermediate processed image data to said client; and means for repeatedly carrying out the steps carried out in the second and third means of said edit-command unit and the first, second, and third means of said editing unit, until said edit-command information is transferred for an editing object desired and said processed image data is obtained(see col. 7 lines 1-57).

As to claim 3, Fields teaches a computer readable storage medium recording a program for causing a computer to carry out the image editing method as set forth in claim 1, wherein said program has a first procedure of accepting an edit-start command and, in response to said edit-start command, commanding said image server to transfer editing data, having at least one editing object, which contains said image data (see col. 4 lines 50-col. 5 lines 8);

a second procedure of querying said image server about one editing object for obtaining said processed image data, based on said editing data transferred from said image server in accordance with said command to transfer said editing data (see col. 6 lines 10-54);

a third procedure of generating edit-command information which represents a command to edit said editing object, based on said editing information transferred from said image server in accordance with said inquiry about said editing object, and of transferring said edit-command information to said image server (see col. 6 lines 10-54); and

a fourth procedure of repeating said second and third procedures, until said edit-command information is transferred for an editing object desired and said processed image data is obtained (see col. 7 lines 10-54).

As to claim 4, Fields teaches a computer readable storage medium recording a program for causing a computer to carry out the image editing method as set forth in claim 1, wherein said program has a first procedure of transferring said editing data to said client in response to said command to transfer said editing data (see col. 6 lines 10-45);

a second procedure of transferring editing information, which represents an editing object corresponding to said inquiry, to said client(see col. 6 lines 10-45);

a third procedure of obtaining intermediate processed image data by applying an editing process to said editing data, based on said edit-command information, and of transferring said intermediate processed image data to said client (see col. 6 lines 10-45); and

a fourth procedure of repeating said first, second, and third procedures, until said edit-command information is transferred for an editing object desired and said processed image data is obtained (see col. 7 lines 1-54).

As to claim 6, Fields teaches an editing unit in an image editing system equipped with a client, which has an edit-command unit for giving a command to edit image data, and an image server, connected with said client through a network, which has said editing unit for obtaining processed image data by editing said image data in response to the edit command from said edit-command unit, said editing unit comprising:

first means for transferring said editing data to said client in response to said command to transfer said editing data; second means for transferring editing information, which represents an editing object corresponding to said inquiry, to said client (see col. 4 lines 50-col. 5 lines 8);

third means for obtaining intermediate processed image data by applying an editing process to said editing data, based on said edit-command information, and for transferring said intermediate processed image data to said client (see col. 6 lines 10-54); and

fourth means for repeatedly carrying out the steps carried out in said first, second, and third means, until said edit-command information is transferred for an editing object desired and said processed image data is obtained (see col. 7 lines 1-54).

As to claims 7 and 33, Fields teaches an image editing method and medium respectively that is performed in an image editing system equipped with a client, which

has an edit-command unit for giving a command to edit image data, and an image server, connected with said client through a network, which has an editing unit for obtaining processed image data by performing an editing process on said image data in response to the edit command from said edit-command unit and transfers predetermined image data related to said image data to said client, said image editing method comprising the steps of:

generating low-volume data smaller in data amount than said predetermined image data; and transferring said low-volume data to said client (see col. 7 lines 1-54).

As to claims 8, 21 and 34, Fields teaches the image editing method, system and medium as set forth in claims 7, 14 and 33 respectively, wherein said predetermined image data is any one among image data before said editing process is applied, image data subjected to an editing process up to an intermediate stage, and said processed image data (see col. 7 lines 37-57 and col. 8 lines 41-55).

As to claims 9, 22 and 35, Fields teaches the image editing method, system and medium as set forth in claims 7, 20 and 33 respectively, wherein said predetermined image data is transferred to said client, following said low-volume data.

As to claims 10, 23 and 36, Fields teaches the image editing method, system and medium as set forth in claims 8, 21 and 34 respectively, wherein said predetermined image data is transferred to said client, following said low-volume data (see col. 7 lines 37-57 and col. 8 lines 41-55).

As to claims 11, 24 and 37, Fields teaches the image editing method, system and medium as set forth in claims 7, 20 and 33 respectively, wherein the data amount of said low-volume data is varied according to a loaded state of said network (see col. 7 lines 37-57 and col. 8 lines 41-55).

As to claims 12, 25 and 38, Fields teaches the image editing method, system and medium as set forth in claims 8, 21 and 34 respectively, wherein the data amount of said low-volume data is varied according to a loaded state of said network (see col. 7 lines 37-57 and col. 8 lines 41-55).

As to claims 13, 26 and 39, Fields teaches the image editing method, system and medium as set forth in claims 9, 22 and 34 respectively, wherein the data amount of said low-volume data is varied according to a loaded state of said network (see col. 7 lines 37-57 and col. 8 lines 41-55).

As to claims 14, 27 and 40, Fields teaches the image editing method, system and medium as set forth in claims 7, 20 and 35 respectively, wherein said low-volume data is composed of a plurality of data reduced in stages in data amount and is transferred to said client from the data smaller in data amount (see col. 7 lines 37-57 and col. 8 lines 41-55).

As to claims 15, 28 and 41, Fields teaches the image editing method, system and medium as set forth in claims 8, 21 and 33 respectively, wherein said low-volume data is composed of a plurality of data reduced in stages in data amount and is transferred to

said client from the data smaller in data amount (see col. 7 lines 37-57 and col. 8 lines 41-55).

As to claims 16, 29 and 42, Fields teaches the image editing method, system and medium as set forth in claims 9, 22 and 34 respectively, wherein said low-volume data is composed of a plurality of data reduced in stages in data amount and is transferred to said client from the data smaller in data amount (see col. 7 lines 37-57 and col. 8 lines 41-55).

As to claims 17, 30 and 43, Fields teaches the image editing method, system and medium as set forth in claims 11 and 24 and 35 respectively, wherein said low-volume data is composed of a plurality of data reduced in stages in data amount and is transferred to said client from the data smaller in data amount (see col. 7 lines 37-57 and col. 8 lines 41-55).

As to claims 18, 31 and 44, Fields teaches the image editing method, system and medium as set forth in claims 14 and 27 and 37 respectively, wherein transfer of said low-volume data is suspended in response to a command from said client (see col. 7 lines 37-57 and col. 8 lines 41-55).

As to claims 19, 32 and 45, Fields teaches the image editing method, system and medium as set forth in claims 18, 31 and 40 respectively, wherein transfer of said low-volume data is restarted in response to a command from said client (see col. 7 lines 37-57 and col. 8 lines 41-55).

As to claim 46, Fields teaches an image editing system comprising: a client having an image-editing command unit for applying a command to edit image data representing a user's image; and

a server, connected with said client through a network, which has means for archiving said image data and low-resolution image data scaled down from said image data and edits said image data (see col. 6 lines 10-54);

editing information required for editing said image data which contains said low-resolution image data being transferred from said server to said client; an operation of editing said low-resolution image data being performed at said client; the result of editing being transferred to said server as edit-command information (see col. 6 lines 10-54);

processed image data being obtained by editing said image data according to said edit-command information at said server; wherein, when giving a command to insert a character image, which represents characters, into said user's image, said image-editing command unit generates character image data representing a character image of the approximately the same resolution as said user's image and transfers said character image data and said edit-command information to said server; and said image editing unit obtains said processed image data by inserting said character image into said user's image, based on said edit-command information and said character image data (see col. 7 lines 1-57).

As to claim 47, Fields teaches an image-editing command unit of an image editing system, equipped with a client having said image-editing command unit for applying a command to edit image data representing a user's image and a server which is connected with said client through a network and has means for archiving said image data and low-resolution image data scaled down from said image data and edits said image data, in which editing information required for editing said image data which contains said low-resolution image data is transferred from said server to said client (see col. 6 lines 10-54),

an operation of editing said low-resolution image data is performed at said client, the result of editing is transferred to said server as edit-command information, and processed image data is obtained by editing said image data according to said edit-command information at said server, the image-editing command unit comprising means which, when giving a command to insert a character image, which represents characters, into said user's image, generates character image data representing a character image of the approximately the same resolution as said user's image and transfers said character image data and said edit-command information to said server (see col. 7 lines 1-57).

As to claim 48, Fields teaches an image editing unit for editing image data in accordance with the edit-command information obtained in the image-editing command unit as set forth in claim 47, said image editing unit comprising means for obtaining processed image data by inserting a character image into a user's image, based on said edit-command information and character image data (see col. 7 lines 1-57).

As to claim 49, Fields teaches an image-editing command method in an image editing system, equipped with a client having an image-editing command unit for applying a command to edit image data representing a user's image and a server which is connected with said client through a network and has means for archiving said image data and low-resolution image data scaled down from said image data and edits said image data, in which editing information required for editing said image data which contains said low-resolution image data is transferred from said server to said client, an operation of editing said low-resolution image data is performed at said client, the result of editing is transferred to said server as edit-command information (see col. 6 lines 10-54), and

processed image data is obtained by editing said image data according to said edit-command information at said server; the image-editing command method comprising the steps of, when giving a command to insert a character image, which represents characters, into said user's image, generating character image data representing a character image of the approximately the same resolution as said user's image, and transferring said character image data and said edit-command information to said server (see col. 7 lines 1-57).

As to claim 50, Fields teaches an image editing method of editing image data in accordance with the edit-command information obtained in the image-editing command method as set forth in claim 49, said image editing method comprising the step of obtaining processed image data by inserting a character image into a user's image in

accordance with said edit-command information and character image data (see col. 7 lines 1-57).

As to claim 51, Fields teaches a computer readable storage medium, recording a program for causing a computer to carry out an image-editing command method, in an image editing system, equipped with a client having an image-editing command unit for applying a command to edit image data representing a user's image (see col. 6 lines 10-54) and

a server which is connected with said client through a network and has means for archiving said image data and low-resolution image data scaled down from said image data and edits said image data, in which editing information required for editing said image data which contains said low-resolution image data is transferred from said server to said client, an operation of editing said low-resolution image data is performed at said client (see col. 6 lines 10-54),

the result of editing is transferred to said server as edit-command information, and processed image data is obtained by editing said image data according to said edit-command information at said server, the computer readable storage medium wherein said program has the procedures of, when giving a command to insert a character image, which represents characters, into said user's image, generating character image data representing a character image of the approximately the same resolution as said user's image, and transferring said character image data and said edit-command information to said server (see col. 7 lines 1-57).

As to claim 52, Fields teaches a computer readable storage medium recording a program for causing a computer to carry out a method of editing image data in accordance with the edit-command information obtained in the image-editing command method as set forth in claim 49, wherein said program has a procedure of obtaining processed image data by inserting a character image into a user's image in accordance with said edit-command information and character image data (see col. 7 lines 1-57).

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses the replies individually.

The appellant argues that the Fields does not teach the first, second, third, fourth, fifth and sixth step of claim 1 (see brief pages 12-24, argument A).

In reply to A, the applicant argues that claims include the features comprises a client having an edit command unit and a server having an editing unit. The editing command unit of the client comprises:

- 1) a first means for accepting an edit start command
- 2) a second means for querying the image server about one editing object for obtaining the image data
- 3) a third means for generating an edit command information which represents a command to edit the editing object in accordance with the editing object and transferring the edit information to said image server.

The server also comprises an editing unit having:

1) first means for transferring editing data to client in response to command from client

2) second means for transferring editing information to client

3) third means for obtaining intermediate processed image based in edit command information and transferring the intermediate image back to the client.

In contrast, Fields teaches a client 30 and a server 32 of fig. 2 which includes the client computer i.e. "editing command unit" (see col. 4 LINES 1-20). The user may request a webpage from the server. The process is initiated using a browser "first means" by sending an HTTP request "edit start command" to the server to obtain customized webpage from the server (see col. 7 lines 37-46). Therefore Fields teaches the first means for sending an edit start command as claimed. The request sent would ask the server to customize the webpage in accordance with personal and corporate options and also user agent string in the server database to customize the images, tables, and text of the webpage in accordance with the customization options (see col. 7 lines 45-58). The customized webpage is interpreted to be the "editing data" which includes graphic images interpreted to be "image data" and customized text, graphics and tables interpreted to be "editing object". The server customizes the requested webpage and then sends the customized webpage "editing data" to the client for further customization (see col. 7 lines 55-61). Therefore Fields teaches "commanding the server to transfer the editing data including the editing object to said client".

Fields also teaches the request received at the server would trigger a request to find a user string customization options stored in the database of the server an in case a

user string is found, customizing the page to obtain customized images and text in the requested webpage (see col. 7 lines 47-52). The which generates the HTTP request also causes the server database to be queried for one user string "one editing object" and therefore Fields teaches means for querying the image server for one editing object".

Fields teaches the HTTP request also includes the personal and corporate customization options are sent from the client to the image server. The personal and corporate customization options transferred from the client to the server are interpreted to be "edit command information". The client sends the personal and corporate options to the server. The server uses the customization options to edit the requested webpage (see col. 7 lines 40-49). Therefore Fields teaches a third means for generating an edit command information which represents a command to edit the editing object in accordance with the editing object and transferring the edit information to said image server" as claimed. Also the client also receives the customized webpage and applies further customization using personal preference customization option at the client machine.

As explained above, Fields teaches that the server customizes webpage and sends the customized webpage "editing data" including the edited images and text "editing object" and sends the information back to the client (see col. 7 lines 58-61). Therefore Fields teaches a "first means for transferring editing data to client in response to command from client and second means for transferring editing information to client" as claimed. The webpage is customized in accordance with the customization options

received at the client and then sent to the client. The customized webpage is then sent to the client for further customization (see col. 7 lines 59-64). Since the customized page is sent to the client for further customization, the customized page generated by the server is interpreted to be the "intermediate processed image data". Therefore Fields teaches "third means for obtaining intermediate processed image based in edit command information and transferring the intermediate image back to the client".

The appellant argues that Fields does not teach generating low-volume data smaller in data amount than predetermined image data and transferring data to said client (see brief pages 25-26, argument B).

In reply to B, Fields teaches that the customization of the requested webpage may include resizing the images, i.e. making the images smaller or even deleting images from a requested page and then sending the customized page to the client. The customized webpage is then sent to the client (see col. 7 lines 49-61). Since images may be deleted from the webpage, it is inherent that the low-volume data "customized webpage" is smaller than the image data "the webpage before customization". Therefore Fields teaches the limitations as claimed.

The appellant argues that Fields does not disclose "a server has means for archiving image data and low resolution image data scaled down from said image data and also does not disclose generating character image data and transferring said character image data to said server, inserting character image into based on character image data at said server (see brief pages 27-34, argument C).

In reply to C, Fields teaches the system and method may change the size of the image by increasing the size of the image to fit the screen (see col. 7 lines 49-52). Since the original image's size is increased to fit the screen, the original image is interpreted to be "low resolution image". The customization of the image may be based on the user string stored in the database of the server (see col. 7 lines 48-58). The user string stored at the server is interpreted to be the "low resolution image data" which are archived at the server by being stored in the database of the server.

Fields also teaches the personal and corporate customization options that are sent to the server. The customization options may include replacing images with graphics (see col. 7 lines 52-58). The personal and corporate customization options sent from the client to the server to customize the image by replacing the images with data are interpreted to be "character image data". The server then receives the customization options "character image data" from the client and replaces the images with characters, that is, inserting character image into based on character image data at said server. Therefore Fields teaches the limitations as claimed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 2157

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Hussein Elchanti

March 20, 2008

Conferees:

/Ario Etienne/
Supervisory Patent Examiner
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/Salad Abdullahi/
Primary Examiner, Art Unit 2157

